

110TH CONGRESS  
2D SESSION

# S. 3668

To create a grant program for collaboration programs that ensure coordination among criminal justice agencies, adult protective services agencies, victim assistance programs, and other agencies or organizations providing services to individuals with disabilities in the investigation and response to abuse of or crimes committed against such individuals.

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## IN THE SENATE OF THE UNITED STATES

OCTOBER 1 (legislative day, SEPTEMBER 17), 2008

Mr. BIDEN introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To create a grant program for collaboration programs that ensure coordination among criminal justice agencies, adult protective services agencies, victim assistance programs, and other agencies or organizations providing services to individuals with disabilities in the investigation and response to abuse of or crimes committed against such individuals.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

### 3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Crime Victims with  
5 Disabilities Act of 2008”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) Adults with disabilities experience violence  
4 or abuse at least twice as often as people without  
5 disabilities, and adults with developmental disabili-  
6 ties are at risk of being physically or sexually as-  
7 sailed at rates four to ten times greater than other  
8 adults.

9 (2) Individuals with disabilities suffer from ad-  
10 ditional “victimization” within the justice system,  
11 due to lack of physical, programmatic, and commu-  
12 nications accommodations needed for equal access.

13 (3) Women with disabilities are more likely to  
14 be victimized, to experience more severe and pro-  
15 longed violence, and to suffer more serious and  
16 chronic effects from that violence, than women with-  
17 out such disabilities.

18 (4) Sixty-eight to 83 percent of women with de-  
19 velopmental disabilities will be sexually assaulted in  
20 their lifetime.

21 (5) An estimated 5,000,000 crimes are com-  
22 mitted against individuals with developmental dis-  
23 abilities annually.

24 (6) Over 70 percent of crimes committed  
25 against individuals with developmental disabilities  
26 are not reported.

1           (7) Studies in the United States, Canada, Aus-  
2           tralia, and Great Britain consistently show that vic-  
3           tims with developmental disabilities suffer repeated  
4           victimization because so few of the crimes against  
5           them are reported.

6           (8) The National Crime Victims Survey con-  
7           ducted annually by the Bureau of Justice Statistics  
8           of the Department of Justice, does not specifically  
9           collect data relating to crimes against individuals  
10          with developmental disabilities, nor do they use dis-  
11          ability as a demographic variable as they use other  
12          important demographic variables, such as gender,  
13          age, and racial and ethnic membership.

14 **SEC. 3. PURPOSE.**

15          (a) IN GENERAL.—The purpose of this Act is to in-  
16          crease the awareness, investigation, prosecution, and pre-  
17          vention of crimes against individuals with a disability, in-  
18          cluding developmental disabilities, and improve services to  
19          those who are victimized, by facilitating collaboration  
20          among the criminal justice system and a range of agencies  
21          and other organizations that provide services to individ-  
22          uals with disabilities.

23          (b) NEED FOR COLLABORATION.—Collaboration  
24          among the criminal justice system and agencies and other

1 organizations that provide services to individuals with dis-  
2 abilities is needed to—

3           (1) protect individuals with disabilities by en-  
4           suring that crimes are reported, and that reported  
5           crimes are actively investigated by both law enforce-  
6           ment agencies and agencies and other organizations  
7           that provide services to individuals with disabilities;

8           (2) provide prosecutors and victim assistance  
9           organizations with adequate training to ensure that  
10          crimes against individuals with disabilities are ap-  
11          propriately and effectively addressed in court;

12          (3) identify and ensure that appropriate reason-  
13          able accommodations are provided to individuals  
14          with disabilities in a safe and conducive environ-  
15          ment, allowing crimes to be reported accurately to  
16          law enforcement agencies; and

17          (4) promote communication among criminal  
18          justice agencies, and agencies and other organiza-  
19          tions that provide services to individuals with dis-  
20          abilities, including Victim Assistance Organizations,  
21          to ensure that the needs of crime victims with dis-  
22          abilities are met.

1 **SEC. 4. DEPARTMENT OF JUSTICE CRIME VICTIMS WITH**  
 2 **DISABILITIES COLLABORATION PROGRAM.**

3 The Omnibus Crime Control and Safe Streets Act of  
 4 1968 (42 U.S.C. 3711 et seq.) is amended by adding at  
 5 the end the following:

6 **“PART JJ—GRANTS TO RESPOND TO CRIMES**  
 7 **AGAINST INDIVIDUALS WITH DISABILITIES**  
 8 **“SEC. 3001. CRIME VICTIMS WITH DISABILITIES COLLABO-**  
 9 **RATION PROGRAM GRANTS.**

10 “(a) DEFINITIONS.—In this section:

11 “(1) APPLICANT.—The term ‘applicant’ means  
 12 a State, unit of local government, Indian tribe, or  
 13 tribal organization that applies for a grant under  
 14 this section.

15 “(2) COLLABORATION PROGRAM.—The term  
 16 ‘collaboration program’ means a program to ensure  
 17 coordination between or among a criminal justice  
 18 agency, an adult protective services agency, a victim  
 19 assistance organization, and an agency or other or-  
 20 ganization that provides services to individuals with  
 21 disabilities, including but not limited to individuals  
 22 with developmental disabilities, to address crimes  
 23 committed against individuals with disabilities and  
 24 to provide services to individuals with disabilities  
 25 who are victims of crimes.

1           “(3) CRIMINAL JUSTICE AGENCY.—The term  
 2           ‘criminal justice agency’ means an agency of a  
 3           State, unit of local government, Indian tribe, or trib-  
 4           al organization that is responsible for detection, in-  
 5           vestigation, arrest, enforcement, adjudication, or in-  
 6           carceration relating to the violation of the criminal  
 7           laws of that State, unit of local government, Indian  
 8           tribe, or tribal organization, or an agency contracted  
 9           to provide such services.

10           “(4) ADULT PROTECTIVE SERVICES AGENCY.—  
 11           The term ‘adult protective services agency’ means an  
 12           agency that provides adult protective services to  
 13           adults with disabilities, such as the protection and  
 14           advocacy systems established under section 143 of  
 15           the Developmental Disabilities Assistance and Bill of  
 16           Rights Act of 2000 (42 U.S.C. 15043), including—

17                   “(A) receiving reports of abuse, neglect, or  
 18                   exploitation;

19                   “(B) investigating the reports described in  
 20                   subparagraph (A);

21                   “(C) case planning, monitoring, evaluation,  
 22                   and other casework and services; and

23                   “(D) providing, arranging for, or facili-  
 24                   tating the provision of medical, social service,  
 25                   economic, legal, housing, law enforcement, or

1           other protective, emergency, or support services  
2           for adults with disabilities.

3           “(5) DAY PROGRAM.—The term ‘day program’  
4           means a government or privately funded program  
5           that provides care, supervision, social opportunities,  
6           or jobs to individuals with disabilities.

7           “(6) IMPLEMENTATION GRANT.—The term ‘im-  
8           plementation grant’ means a grant under subsection  
9           (e).

10          “(7) INDIVIDUALS WITH DISABILITIES.—The  
11          term ‘individuals with disabilities’ means individ-  
12          uals—

13               “(A) 18 years of age or older; and

14               “(B) who have a developmental, cognitive,  
15               physical, or other disability that results in sub-  
16               stantial functional limitations in one or more of  
17               the following areas of major life activity:

18                   “(i) Self-care.

19                   “(ii) Receptive and expressive lan-  
20                   guage.

21                   “(iii) Learning.

22                   “(iv) Mobility.

23                   “(v) Self-direction.

24                   “(vi) Capacity for independent living.

25                   “(vii) Economic self-sufficiency.

1 “(viii) Cognitive functioning.

2 “(ix) Emotional adjustment.

3 “(8) PLANNING GRANT.—The term ‘planning  
4 grant’ means a grant under subsection (f).

5 “(9) SECRETARY.—The term ‘Secretary’ means  
6 the Secretary of Health and Human Services.

7 “(10) UNIT OF LOCAL GOVERNMENT.—The  
8 term ‘unit of local government’ means any city,  
9 county, township, town, borough, parish, village, or  
10 other general purpose political subdivision of a  
11 State.

12 “(b) AUTHORIZATION.—In consultation with the Sec-  
13 retary, the Attorney General may make grants to appli-  
14 cants to prepare a comprehensive plan for or to implement  
15 a collaboration program that provides for—

16 “(1) the investigation and remediation of in-  
17 stances of abuse of or crimes committed against in-  
18 dividuals with disabilities; or

19 “(2) the provision of services to individuals with  
20 disabilities who are the victims of a crime or abuse.

21 “(c) USE OF FUNDS.—A grant under this section  
22 shall be used for a collaborative program that—

23 “(1) receives reports of abuse of individuals  
24 with disabilities or crimes committed against such  
25 individuals;



1           “(2) investigates and evaluates reports of abuse  
2 of or crimes committed against individuals with dis-  
3 abilities;

4           “(3) visits the homes or other locations of  
5 abuse, and, if applicable, the day programs of indi-  
6 viduals with disabilities who have been victims of  
7 abuse or a crime for purposes of, among other  
8 things, assessing the scene of the abuse and evalu-  
9 ating the condition and needs of the victim;

10          “(4) identifies the individuals responsible for  
11 the abuse of or crimes committed against individuals  
12 with disabilities;

13          “(5) remedies issues identified during an inves-  
14 tigation described in paragraph (2);

15          “(6) prosecutes the perpetrator, where appro-  
16 priate, of any crime identified during an investiga-  
17 tion described in paragraph (2);

18          “(7) provides services to and enforces statutory  
19 rights of individuals with disabilities who are the vic-  
20 tims of a crime; and

21          “(8) develops curricula and provides inter-  
22 disciplinary training for prosecutors, criminal justice  
23 agencies, protective service agencies, victims assist-  
24 ance agencies, educators, community based providers  
25 and health, mental health, and allied health profes-

1 sionals in the area of disabilities, including develop-  
2 mental disabilities.

3 “(d) APPLICATIONS.—

4 “(1) IN GENERAL.—To receive a planning grant  
5 or an implementation grant, an applicant shall sub-  
6 mit an application to the Attorney General at such  
7 time, in such manner, and containing such informa-  
8 tion as the Attorney General, in consultation with  
9 the Secretary, may reasonably require, in addition to  
10 the information required by subsection (e)(1) or  
11 (f)(1), respectively.

12 “(2) COMBINED PLANNING AND IMPLEMENTA-  
13 TION GRANT APPLICATION.—

14 “(A) IN GENERAL.—The Attorney General,  
15 in consultation with the Secretary, shall develop  
16 a procedure allowing an applicant to submit a  
17 single application requesting both a planning  
18 grant and an implementation grant.

19 “(B) CONDITIONAL GRANT.—The award of  
20 an implementation grant to an applicant sub-  
21 mitting an application under subparagraph (A)  
22 shall be conditioned on successful completion of  
23 the activities funded under the planning grant,  
24 if applicable.

25 “(e) PLANNING GRANTS.—

1           “(1) APPLICATIONS.—An application for a  
2 planning grant shall include, at a minimum—

3               “(A) a budget;

4               “(B) a budget justification;

5               “(C) a description of the outcome meas-  
6 ures that will be used to measure the effective-  
7 ness of the program;

8               “(D) a schedule for completing the activi-  
9 ties proposed in the application;

10              “(E) a description of the personnel nec-  
11 essary to complete activities proposed in the ap-  
12 plication; and

13              “(F) provide assurances that program ac-  
14 tivities and locations are and will be in compli-  
15 ance with section 504 of the Rehabilitation Act  
16 of 1973 throughout the grant period.

17           “(2) PERIOD OF GRANT.—A planning grant  
18 shall be made for a period of 1 year, beginning on  
19 the first day of the month in which the planning  
20 grant is made.

21           “(3) AMOUNT.—The amount of planning grant  
22 shall not exceed \$50,000, except that the Attorney  
23 General may, for good cause, approve a grant in a  
24 higher amount.

1           “(4) LIMIT ON NUMBER.—The Attorney Gen-  
2       eral, in consultation with the Secretary, shall not  
3       make more than one such planning grant to any  
4       State, unit of local government, Indian tribe, or trib-  
5       al organization.

6       “(f) IMPLEMENTATION GRANTS.—

7           “(1) IMPLEMENTATION GRANT APPLICA-  
8       TIONS.—An application for an implementation grant  
9       shall include the following:

10           “(A) COLLABORATION.—An application for  
11       an implementation grant shall—

12           “(i) identify not fewer than one crimi-  
13       nal justice enforcement agency or adult  
14       protective services organization and not  
15       fewer than one agency, crime victim assist-  
16       ance program, or other organization that  
17       provides services to individuals with dis-  
18       abilities, such as the protection and advo-  
19       cacy systems established under section 143  
20       of the Developmental Disabilities Assist-  
21       ance and Bill of Rights Act of 2000 (42  
22       U.S.C. 15043), that will participate in the  
23       collaborative program; and

24           “(ii) describe the responsibilities of  
25       each participating agency or organization,

1 including how each agency or organization  
2 will use grant funds to facilitate improved  
3 responses to reports of abuse and crimes  
4 committed against individuals with disabili-  
5 ties.

6 “(B) GUIDELINES.—An application for an  
7 implementation grant shall describe the guide-  
8 lines that will be developed for personnel of a  
9 criminal justice agency, adult protective services  
10 organization, crime victim assistance program,  
11 and agencies or other organizations responsible  
12 for services provided to individuals with disabili-  
13 ties to carry out the goals of the collaborative  
14 program.

15 “(C) FINANCIAL.—An application for an  
16 implementation grant shall—

17 “(i) explain why the applicant is un-  
18 able to fund the collaboration program  
19 adequately without Federal funds;

20 “(ii) specify how the Federal funds  
21 provided will be used to supplement, and  
22 not supplant, the funding that would oth-  
23 erwise be available from the State, unit of  
24 local government, Indian tribe, or tribal or-  
25 ganization; and

1 “(iii) outline plans for obtaining nec-  
2 essary support and continuing the pro-  
3 posed collaboration program following the  
4 conclusion of the grant under this section.

5 “(D) OUTCOMES.—An application for an  
6 implementation grant shall—

7 “(i) identify the methodology and out-  
8 come measures, as required by the Attor-  
9 ney General, in consultation with the Sec-  
10 retary, for evaluating the effectiveness of  
11 the collaboration program, which may in-  
12 clude—

13 “(I) the number and type of  
14 agencies participating in the collabo-  
15 ration;

16 “(II) any trends in the number  
17 and type of cases referred for multi-  
18 disciplinary case review;

19 “(III) any trends in the timeli-  
20 ness of law enforcement review of re-  
21 ported cases of violence against indi-  
22 viduals with a disability; and

23 “(IV) the number of persons re-  
24 ceiving training by type of agency;

1 “(ii) describe the mechanisms of any  
2 existing system to capture data necessary  
3 to evaluate the effectiveness of the collabo-  
4 ration program, consistent with the meth-  
5 odology and outcome measures described  
6 in clause (i) and including, where possible,  
7 data regarding—

8 “(I) the number of cases referred  
9 by the adult protective services agen-  
10 cy, or other relevant agency, to law  
11 enforcement for review;

12 “(II) the number of charges filed  
13 and percentage of cases with charges  
14 filed as a result of such referrals;

15 “(III) the period of time between  
16 reports of violence against individuals  
17 with disabilities and law enforcement  
18 review; and

19 “(IV) the number of cases result-  
20 ing in criminal prosecution, and the  
21 result of each such prosecution; and

22 “(iii) include an agreement from any  
23 participating or affected agency or organi-  
24 zation to provide the data described in  
25 clause (ii).

1           “(E) FORM OF DATA.—The Attorney Gen-  
2           eral, in consultation with the Secretary, shall  
3           promulgate and supply a common electronic re-  
4           porting form or other standardized mechanism  
5           for reporting of data required under this sec-  
6           tion.

7           “(F) COLLABORATION SET ASIDE.—Not  
8           less than 5 percent and not more than 10 per-  
9           cent of the funds provided under an implemen-  
10          tation grant shall be set aside to procure tech-  
11          nical assistance from any recognized State  
12          model program or from a recognized national  
13          organization, as determined by the Attorney  
14          General (in consultation with the Secretary), in-  
15          cluding the National District Attorneys Associa-  
16          tion and the National Adult Protective Services  
17          Association.

18          “(G) OTHER PROGRAMS.—An applicant for  
19          an implementation grant shall describe the rela-  
20          tionship of the collaboration program to any  
21          other program of a criminal justice agency or  
22          other agencies or organizations providing serv-  
23          ices to individuals with disabilities of the State,  
24          unit of local government, Indian tribe, or tribal



1 organization applying for an implementation  
2 grant.

3 “(2) PERIOD OF GRANT.—

4 “(A) IN GENERAL.—An implementation  
5 grant shall be made for a period of 2 years, be-  
6 ginning on the first day of the month in which  
7 the implementation grant is made.

8 “(B) RENEWAL.—An implementation  
9 grant may be renewed for one additional period  
10 of 2 years, if the applicant submits to the At-  
11 torney General and the Secretary a detailed ex-  
12 planation of why additional funds are nec-  
13 essary.

14 “(3) AMOUNT.—An implementation grant shall  
15 not exceed \$300,000.

16 “(g) EVALUATION OF PROGRAM EFFICACY.—

17 “(1) ESTABLISHMENT.—The Attorney General,  
18 in consultation with the Secretary, shall establish a  
19 national center to evaluate the overall effectiveness  
20 of the collaboration programs funded under this sec-  
21 tion.

22 “(2) RESPONSIBILITIES.—The national center  
23 established under paragraph (1) shall—

24 “(A) analyze information and data sup-  
25 plied by grantees under this section; and

1           “(B) submit an annual report to the Attor-  
 2           ney General and the Secretary that evaluates  
 3           the number and rate of change of reporting, in-  
 4           vestigation, and prosecution of charges of a  
 5           crime or abuse against individuals with disabil-  
 6           ities.

7           “(3) AUTHORIZATION.—The Attorney General  
 8           may use not more than \$500,000 of amounts made  
 9           available under subsection (h) to carry out this sub-  
 10          section.

11          “(h) AUTHORIZATION OF APPROPRIATIONS.—There  
 12          are authorized to be appropriated to the Department of  
 13          Justice to carry out this section—

14               “(1) \$10,000,000 for fiscal year 2009; and

15               “(2) such sums as are necessary for each of fis-  
 16          cal years 2010 through 2015.”.

17   **SEC. 5. RESEARCH GRANT AND REPORT.**

18          (a) IN GENERAL.—The purpose of this section is to  
 19          provide for research to assist the Attorney General in col-  
 20          lecting valid, reliable national data relating to crimes  
 21          against individuals with developmental and related disabil-  
 22          ities for the National Crime Victims Survey conducted by  
 23          the Bureau of Justice Statistics of the Department of Jus-  
 24          tice as required by the Crime Victims with Disabilities  
 25          Awareness Act.

1 (b) NATIONAL INTERDISCIPLINARY ADVISORY COUN-  
2 CIL.—

3 (1) IN GENERAL.—Not later than 90 days after  
4 the date of enactment of this Act, the Secretary of  
5 Health and Human Services shall establish a na-  
6 tional interdisciplinary advisory council (referred to  
7 in this section as the “advisory council”), that in-  
8 cludes individuals with disabilities, which shall pro-  
9 vide input into the methodologies used to collect  
10 valid, reliable national data on crime victims with  
11 developmental and related disabilities, participate in  
12 reviewing the data collected through the research  
13 grant program, and assist in writing the final report.

14 (2) RECOMMENDED METHODOLOGY.—Not later  
15 than 6 months after the establishment of the advi-  
16 sory council, the advisory council shall provide to the  
17 Secretary of Health and Human Services its rec-  
18 ommended methodology for collecting incidence data  
19 on violence against people with developmental and  
20 related disabilities.

21 (c) RESEARCH GRANT PROGRAM.—Not later than 12  
22 months after the date of the enactment of this Act, the  
23 Secretary of Health and Human Services shall—

24 (1) review the methodology developed by the ad-  
25 visory council related to collecting incidence data on

1 violence against people with developmental and re-  
 2 lated disabilities; and

3 (2) based on such review, shall award grants in  
 4 accordance with this section to eligible recipients, to  
 5 collect valid, reliable national data on crime victims  
 6 with developmental and related disabilities that can  
 7 be validly compared to data from the National Crime  
 8 Victims Survey.

9 (d) REPORT.—Not later than 12 months after the  
 10 Secretary of Health and Human Services awards the re-  
 11 search grants under subsection (c), the advisory council  
 12 shall review the data eligible recipients of the grants col-  
 13 lected and write a report to be presented to the Secretary  
 14 of Health and Human Services, the Attorney General, and  
 15 the Bureau of Justice Statistics.

16 (e) DEFINITIONS.—

17 (1) ELIGIBLE RECIPIENT.—The term “eligible  
 18 recipient” means—

19 (A) a State agency;

20 (B) a private, nonprofit organization;

21 (C) a University Center for Excellence in  
 22 Developmental Disabilities; or

23 (D) any public entity that has a dem-  
 24 onstrated ability to—

1 (i) collaborate with criminal justice,  
2 child welfare, and other agencies and orga-  
3 nizations that provide services to individ-  
4 uals with disabilities, including victim as-  
5 sistance and violence prevention organiza-  
6 tions, to ensure that incidence data can be  
7 aggregated to accurately show the inci-  
8 dence of abuse of individuals with disabil-  
9 ities nationally; and

10 (ii) conduct research and collect data  
11 to measure the extent of the problem of  
12 crimes against individuals with develop-  
13 mental and related disabilities, including—

14 (I) understanding the nature and  
15 extent of crimes against individuals  
16 with developmental and related dis-  
17 abilities, including domestic violence  
18 and all types of abuse;

19 (II) describing the manner in  
20 which the justice system responds to  
21 crimes against individuals with devel-  
22 opmental and related disabilities; and

23 (III) identifying programs, poli-  
24 cies, or laws that hold promises for  
25 making the justice system more re-

1                   sponsive to crimes against individuals  
2                   with developmental and related dis-  
3                   abilities.

4                   (2) DEVELOPMENTAL DISABILITIES.—The term  
5                   “developmental disabilities” has the meaning given  
6                   that term in section 102(8) of the Developmental  
7                   Disabilities Assistance and Bill of Rights Act of  
8                   2000 (42 U.S.C. 15002(8)).

9                   (3) RELATED DISABILITIES.—The term “re-  
10                  lated disabilities” means autism spectrum disorders,  
11                  cerebral palsy, spina bifida, epilepsy, traumatic brain  
12                  injury, or other lifelong disabilities that are acquired  
13                  prior to the age of 21.

14                  (f) AUTHORIZATION OF APPROPRIATIONS.—There  
15                  are authorized to be appropriated to carry out this section  
16                  \$1,000,000 for each of fiscal years 2009 through 2012.

○